

PTO/SB/M 09-040

Approved for use through 07/31/2008. OMB 0561-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

**Docket Number (Optional)**  
353130-12

**First named inventor:** Frank Leyshon

**Application No.: 10873,301**

**Art Unit: 3728**

**Filed 09/29/2009**

**Examiner:**

## THE TABLET CRUSHER

**Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-8308**

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE: A grantable petition requires the following items:**

- (1) **Petition fee;**
- (2) **Reply and/or issue fee;**
- (3) **Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and**
- (4) **Statement that the entire delay was unintentional.**

### 1. Petition fee

- ☒ Small entity-fee \$ 685 \* (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
\* AND OTHER FEES AS NOTED ON FEE CALCULATION SHEET DATED  
☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)) JANUARY 21, 2005 AND

**JANUARY 21, 2005 AND  
SUBMITTED HEREWITH.**

## 2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of a response to the Notice of Missing Parts of Application \_\_\_\_\_ (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_  
☐ has been paid previously on \_\_\_\_\_,  
☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22304-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22304-1460.

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Adjustment date: 07/02/2003 AMELIA  
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PAGE 5/14 \* RCVD AT 1/21/2005 4:35:20 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/8 \* DNIS:8729308 \* CSID:8ZD \* DURATION (mm-ss):05-26

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Credit Card Return Received      07/26/98  
Amount Due \$ 1,000.00

PTO/SB/64 (09-04)  
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Roger A. Gilcrest*  
Signature

January 21, 2005  
Date

ROGER A. GILCREST  
Typed or printed name

31,954  
Registration Number, if applicable

P.O. Box 163020  
Address

614-482-1055  
Telephone Number

Columbus, Ohio 43216-5020  
Address

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: response to Notice of Missing Parts of Application

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1460, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

1/21/05  
Date

*Sheri L. Burke*  
Signature

Sheri L. Burke  
Typed or printed name of person signing certificate

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